

receiving a bid from one of said plurality of potential bidders;
comparing said received bid to a bid limit set for said potential bidder; and
sending a bid message to said bidder in accordance with said comparison.

90. The method of claim 89, wherein said bid limit is a bid ceiling.
91. The method of claim 89, wherein said bid limit is a bid floor.
92. The method of claim 89, wherein said bid message is an invalid bid message.
93. The method of claim 89, wherein said bid message is a valid bid message.

REMARKS

Claims 71-76 remain in this application. Claims 71 and 74 have been amended in order to more clearly define the invention. Claims 89-93 have been added to this application. Reconsideration is respectfully requested in view of the amendments and remarks set forth herein.

Claims 71-76 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preambles of independent claims 71 and 74 have been amended in view of the remarks made in the Office Action. Withdrawal of this rejection is therefore

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respectfully requested.

Claims 71-76 stand rejected under 35 U.S.C. 103(a) as being unpatentable over a published article titled "SOLD! . . . TO THE LOWEST BIDDER," Computer Finance, v6, n2, July 1995 ("Sold Reference") in view of an Official Notice stated in the Office Action. Applicants respectfully traverse this rejection.

Claims 71-76 represent patentable subject matter because the cited prior art fails to disclose each element of claims 71-76. Claims 71-76, either directly or indirectly, include the feature of setting an individual bid limit for each potential seller in an electronic auction. As correctly noted in the Office Action, the Sold Reference fails to teach or suggest the individual bid limit feature of claims 71-76. (Office Action, Page 4, Lines 5-6). Furthermore, the Office Action fails to identify any prior art that teaches the missing element. Rather, the Office Action takes Official Notice that "bidder specific ceiling and floor are old and well known concepts in art of commercial auctions and project procurement." (Office Action, Page 4, Lines 7-8). Applicants respectfully disagree. The prior art fails to discuss a "bidder specific ceiling and floor" in any context, let alone that of "commercial auctions and project procurement." Rather, the prior art is directed to a single bid ceiling or bid floor for all potential sellers, with no variation accorded to individual potential sellers. Consequently, Applicants formally traverse the Official Notice, and request evidence in support thereof. (MPEP, Section 2144.03).

Moreover, claims 71-76 represent patentable subject matter because there is no teaching, suggestion or motivation to combine the Sold Reference with the Official Notice. (MPEP, Section 2143.01). The Sold Reference mentions the use of bid ceilings and floor rates, but only in the context of a single bid ceiling or floor rate for all potential sellers. There is no mention

whatsoever of individual bid limits for each potential seller. Therefore, it is clear that the Sold Reference fails to provide the requisite suggestion. In fact, the Sold Reference actually teaches away from combining the Sold Reference with the Official Notice. The Sold Reference discusses the general benefits of a single bid ceiling or floor rate for all potential sellers, which is similar to the discussion of the prior art given in the Specification. (Specification, Page 36: Line 1 to Page 43: Line 4). Thus, the person of ordinary skill in the art would be motivated to use the single bid ceiling or floor rate in an electronic auction.

Similarly, the statements made in support of the Official Notice also fail to provide the requisite suggestion. The Office Action states that it would be obvious to use individual bid ceilings in an electronic auction because “(A) individual bid ceiling would limit those sellers who can meet the requirements of the buyer such as creditworthiness and capacity to meet production and quality of goods” and “(B) individual bid floor would reduce a risk that a bid received from a potential seller is economically viable consistent with the sellers creditworthiness and capacity to meet production and quality of goods.” (Office Action, Page 4, Lines 12-16). Statements (A) and (B) basically restate the general advantages of bid ceilings and bid floors, as recited in the Sold Reference. (Sold Reference, Page 2, Lines 27-46). Therefore, statements (A) and (B) also teach away from the use of individual bid limits for each potential seller in an electronic auction.

For at least the above reasons, it is believed that claims 71-76 represent patentable subject matter over the Sold Reference and the cited prior art, either alone or in combination. Removal of the rejections with respect to claims 71-76 is therefore respectfully requested.

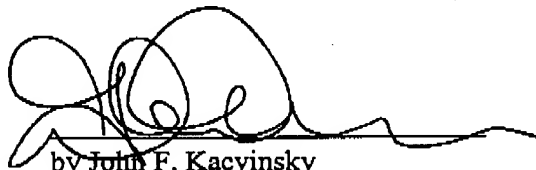
New claims 89-93 also include the limitation of individual bid limits in an electronic

auction. Therefore, Applicants submit that claims 89-93 represent patentable subject matter for at least the same reasons given for claims 71-76.

It is believed that claims 71-76 and 89-93 are in allowable form. Accordingly, a Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 412-560-3374 to discuss any matter concerning this application.

Respectfully submitted,
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Dated: June 6, 2000

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